

**LOUISIANA DEPARTMENT OF
AGRICULTURE AND FORESTRY**

LOSS PREVENTION PROGRAM

CHAPTER FOUR

WATER VESSEL SAFETY PLAN

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Section I. LDAF WATER VESSEL SAFETY POLICY

The mission of the LDAF typically relates to land based operations with which the limited use of a powered or non-powered water vessel might be an incidental consideration. Accordingly, several Offices of the LDAF have accumulated over the years one or more small boats that may be called upon from time-to-time to facilitate some task, duty or responsibility associated with certain LDAF operational segments.

As a result, the LA Office of Risk Management (LA ORM) requires the LDAF to implement a safe boating program that provides for a systematic method of screening, training and accountability for those individuals who may operate any such water vessel, notwithstanding how infrequently such might occur.

Implementation of this water vessel safety plan reflects the LDAF's continuing effort to establish and maintain safe working conditions for our employees, irrespective if the workplace is land bound or over water. Much like the other safety plans within the LDAF's Loss Prevention Program, the success of the Water Vessel Safety Plan (WVSP) relies on a positive attitude toward safety awareness, compliance with the requirements set forth in this Chapter and adherence to safe boating practices.

Therefore, the provisions of the WVSP that are set forth herein, and whenever amended or supplemented, shall have full force and effect hereafter and the officers and employees of the LDAF shall be subject thereto and bound to its plans, procedures, practices, rules and standards. Further, certain provisions excepted whenever so noted, the WVSP supersedes and replaces the provisions set forth in any and all policies, guidelines and directives which are in conflict therewith or which have been reenacted by this WVSP, and such provisions are hereby repealed and have no further force or effect.

Inquiries, clarifications, requests for information, and correspondence relating to the provisions of the WVSP may be made by way of email to Safety Program (as named on the LDAF 'Outlook' email address listing) or to SafetyProgram@LDAF.LA.GOV; fax transmission to (225) 922-1253 – Attention: Safety Program; or U.S.P.S. mail to LDAF Safety Program, P.O. Box 631, Baton Rouge, LA 70821-0631.

Thus done this 24th day of July, 2009, in Baton Rouge, LA

Mike Strain DVM
Commissioner

Section II. ASSIGNMENT OF RESPONSIBILITIES

1. Commissioner

Pursuant to the authorities set forth in law, the Commissioner approves the WVSP, provides for its implementation and administration, and selects and assigns one or more Assistant Commissioners to act as the Agency Administrator with regard to the waterborne operations which might take place in their respective Office. Inasmuch as the use of any watercraft within most LDAF Offices is unlikely, and infrequently and merely supplementary in such other Offices, it shall be the responsibility of each Assistant Commissioner to act as the Agency Administrator whenever the operation of a water vessel may occur by an employee assigned to their Office.

2. Agency Administrator

As such relates to an affected LDAF Office, the Agency Administrator ensures the organizational effectiveness of the WVSP. Pursuant thereto, the duties of the Agency Administrator shall include, but not limited to, the following:

Provides for the implementation of the WVSP and issues directives which relate to the administration of the WVSP within a LDAF Office.

Establishes standards and guidelines with regard to the use of a water vessel to facilitate or otherwise accomplish the conduct of LDAF-related business, and selects and assigns qualified personnel to effect such business.

Determines an employee's need to operate a water vessel in the conduct of LDAF-related business, evaluates her/his completed Authorization History Form (DA 2066), Official Driving Record (ODR) from the Office of Motor Vehicles and Water Operator Record (WOR) obtained from the LA Department of Wildlife and Fisheries (LDWF) to determine the employees suitability to operate a water vessel, and whenever warranted, selects, assigns and authorizes qualified personnel to operate a specific type of water vessel.

For each such authorized employee, annually makes said determination of need, evaluates her/his suitability to operate a water vessel, and reviews her/his boat safety training accomplishments.

Ensures that each authorized employee/operator completes all requisite LA ORM-recognized water vessel safety training courses.

Prohibits the operation of a water vessel by any employee (1) who is not authorized to operate a type of water vessel, or (2) whose prior authorization is rescinded or otherwise nullified pursuant to law, judicial or administrative proceeding, or LDAF administrative action.

Ensures that all vessels and vessels' accessories provided to an employee/operator correspond to their intended purpose, and are maintained in good and safe working condition as evidenced and required by a monthly, documented safety and performance inspection of each water vessel.

Ensures that any water vessel accident is promptly and thoroughly investigated and duly reported, and reviews any such accident report and other related documents and takes necessary action, the intent of which is to prevent the recurrence of the employee's involvement in a water vessel accident, and to comply with related LA ORM requirements.

3. Office Safety Records Custodian

Provides for the procurement, receipt, review, maintenance and custody of all forms, reports, training records, etc. as required or otherwise contemplated by the provisions of the WVSP, and makes such records available for review and auditing by the Safety Director and LA ORM staff.

Timely provides the Loss Claims Director with all reports, forms, records, training documents, etc. which may be required to report a loss event (e.g., water vessel accident) to the LA ORM and/or to make and sustain an attendant claim therewith.

4. Safety Director

The Safety Director has principal responsibility for the overall development and implementation of the WVSP. Pursuant thereto, she/he maintains open communication with the Agency Administrator(s), and assists in carrying out the respective duties and responsibilities thereof. The duties of the Safety Director shall include, but not limited to, the following:

Develops the WVSP and, from time-to-time, revisions thereto for review and approval by the Commissioner, and drafts directives which relate to the implementation and/or administration of the WVSP

Acts as the LDAF's point of contact with the LA ORM, and provides guidance to the Agency Administrator relative to the LA ORM accident reporting and audit review requirements.

5. Employees

The duties of each employee shall include, but not limited to, the following:

Operates a specific type of water vessel only whenever (1) authorized pursuant to the provisions of the WVSP and (2) directed by a supervisor to do so.

Obeys all laws whenever operating a water vessel in the course and scope of the employee's service or employment, remains safety conscious and vigilant of hazards whenever operating a water vessel, and consistently takes all precautionary measures associated with operating a water vessel and/or working in an open water workplace (e.g., wearing a personal floatation device).

In the course and scope of her/his service or employment as contemplated in this Chapter, does not operate a water vessel other than one that is owned or controlled by the LDAF.

Promptly reports to the Agency Administrator any conviction, guilty plea and nolo contendere

plea for a violation of a law relating to the operation of watercraft or vessel, or any criminal offense relating to the operation of a watercraft or vessel.

Whenever involved in a water vessel accident in which the employee is the operator, immediately notifies her/his supervisor of the matter and complies with and assists in the investigation and reporting requirements associated therewith.

Immediately reports to the appropriate authority (e.g., supervisor, Agency Administrator, etc.) any unsafe, dangerous or hazardous condition or circumstance with respect to her/his operation or intended operation of a water vessel.

Whenever directed or as otherwise required, prepares, executes and submits to the Agency Administrator an Authorization History Form (DA 2066).

Whenever directed or as otherwise required, attends and/or participates in water vessel safety training activities, which may include boating safety education coursework such as the 'Boat US' training course, (or other National Association of State Boating Law Administrators (NASBLA) approved) or the refresher course.

Maintains in good and safe working condition any water vessel (and attendant accessories, supplies and equipment which may include, if a powered watercraft, the motor, steering mechanism, etc.) that she/he is authorized and directed to operate.

Performs other water vessel safety-related tasks, duties and responsibilities as assigned by her/his supervisor or the Agency Administrator, which may include the conduct of monthly, documented safety and performance inspections on water vessels, such documentation to include any repairs that were carried out or may be required to correct a noted deficiency.

Section III. WATER VESSEL OPERATOR AUTHORIZATION

1. Authorization Process, Training Required

A. Upon the Agency Administrator's determination of an employee's need to operate a type of water vessel to facilitate or otherwise accomplish the conduct of LDAF-related business, the Agency Administrator shall:

- (1) Require the employee to complete an Authorization History Form (DA 2066), which form can be accessed at the FARA web page <http://www.laorm.com/forms/lpwwauth.doc>, or a copy of which form is attached to this section; and
- (2) Obtain from the LA Department of Wildlife and Fisheries a copy of the employee's Water Operating Record (WOR), which form can be accessed at the FARA web page <http://www.laorm.com/forms/lprecordreq-electronic.doc> and can be e-mailed to rzechenelly@wlf.la.gov or faxed 225-765-0593.
- (3) Evaluate the information on the WOR and a current ODR obtained from Office of Motor Vehicles to establish the employee's suitability to operate a water vessel; and
- (4) Issue an authorization, DA2066, to operate a type of water vessel, if warranted; and
- (5) Direct the employee/operator to enroll and successfully complete the water vessel safety course required by the LA ORM. This is a mandatory initial course that can be found at www.laorm.com/lp_boater.html or www.wlf.louisiana.gov/boating/courses to take the free course.
- (6) Record such authorization onto a listing of all other authorized employee/operators.

(Note: The point of contact at the LA Department of Wildlife and Fisheries is the Boating Safety Officer, and the WOR may be referred to as a 'Water Operator Record' which is provided free-of-charge by the LDWF to any other state agency.)

B. Upon the employee's successful completion of the water vessel safety course required above, the Agency Administrator may direct the employee to operate a type of water vessel.

C. No less than annually from the date on or about which an employee's authorization to operate a water vessel was issued (or re-issued), the Agency Administrator shall:

- (1) Obtain the employee's current WOR and current ODR and;
- (2) Evaluate the information thereon to determine the employee's continued suitability to operate a water vessel; and
- (3) Re-issue the authorization to operate a type of water vessel, if warranted; and
- (4) Record such authorization onto a listing of all other authorized employee/operators.

2. High Risk Operator (HRO)

A. A HRO is an employee having three or more convictions, guilty pleas and/or nolo contendere pleas for any violation set forth in or contemplated by LRS 34:851.27 and relating to the operation of a water vessel or motorboat (equipment violations excepted), or a single conviction, guilty plea or nolo contendere plea for any criminal offense relating to the operation of a water

vessel or watercraft, within a one-year duration of time in which the date(s) of the judgment(s) at issue is (are) relevant to the consideration required by the provisions of this subsection (e.g., a delineated twelve-month or less period of time in which the judgments can be set apart on an employee's WOR).

B. Upon the evaluation of a WOR and ODR, an employee determined to be a HRO shall be prohibited to operate a water vessel in the conduct of LDAF-related business for a one-year period commencing on the date on which the determination is made. The HRO shall be notified in writing that they are not authorized to operate state-owned/leased/hired water vessels from the date of discovery for a minimum of twelve (12) months and they shall be required to retake the initial "Boat US" (or other NASBLA-approved) course within ninety (90) days of discovery. The HROs immediate supervisor and the individual in charge of water vessels shall be notified in writing that the unauthorized employee shall not be given authority or access to operate a vessel on state business. Accordingly, the Agency Administrator shall not issue any authorization for the employee to operate a water vessel during such one-year period, and shall rescind any existing authorization. Upon the expiration of such one-year period, the Agency Administrator may authorize an employee to operate a water vessel to facilitate or otherwise accomplish the conduct of LDAF-related business.

3. Water Vessel Safety Training, 'Refresher' Course Required

A. No later than three years of the date upon which the employee successfully completed (1) the initial water vessel safety course required in subsection 1 above, or (2) the 'refresher' water vessel safety course required by the LA ORM, <http://riskmgmtboatcourse.wlf.louisiana.gov>, the Agency Administrator shall direct the employee/operator to enroll and successfully complete said 'refresher' water vessel safety course required by the LA ORM (there is no fee charged to any state employee to take this refresher course). Agency Administrators shall ensure that each such employee completes all such coursework within the prescribed period for such.

B. Whenever relevant facts or circumstances exist which warrant such, the Agency Administrator may require an employee/operator to enroll, participate in and successfully complete additional water vessel safety training coursework for the purposes of obtaining, continuing or reinstating an authorization to operate a water vessel in the conduct of LDAF-related business. Accordingly, the Agency Administrator shall require an employee to enroll, participate in and successfully complete such additional coursework whenever the employee is the operator of a water vessel involved in an accident, or whenever the Agency Administrator learns that the employee/operator has incurred a violation judgment that is subject to the provisions set forth in subsection 2 above.

VESSEL AUTHORIZATION/OPERATOR HISTORY FORM

The following information will be retained on file by all Agencies on their Operators authorized to operate a State vessel:

Name: _____ Employed by: _____

Address: _____ (Department, Board, Commission)

_____ Zip _____ Assigned to: _____

SSN: _____ (Agency, District, Office)

Operator License No.: _____ Job Title: _____

Expiration Date: _____ Immediate Supervisor's Name: _____

Date of Birth: _____ Operator's Phone Number: _____

Issue Date: _____ Is the Primary purpose to operate vessels?
Yes ___ No ___

Is a Current Operator Record attached: _____ Has it been verified as accurate? _____

Will this Operator be authorized to operate his or her privately owned vessel in the course and scope of employment? Yes ___ No ___

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	TYPE 1	TYPE 2	TYPE 3	TYPE 4	TYPE 5	TYPE 6
TYPES OF VESSELE:	No motor, Pirogue skiff Raff bateau	Motorboat Class A-1-2-3	Airboat Push	Tug	Ferry Marsh Buggy	Other
State Vessels Authorized to Operate:						

Date Trained: _____ Source of Training: _____

Number of days per week required to operate a vessel: _____

Required to handle hazardous cargo: Yes ___ No ___

Trained to haul/Handle: Yes ___ No ___

*

I have reviewed this individual's genuine need to operate a State vessel. In conducting this review I have considered his/her operating experience, class/type equipment to be operated, and a one year operating record. The attached Operator Record has been verified as accurate and updated as necessary. I authorize this individual to operate the vessels listed above in accordance with the provisions of this program. This authorization expires in one year from this date.

Agency Head Signature
(or specifically designated individual)

Date of Authorization

DA 2066 (6/06/01)

Section IV. WATER VESSEL ADMINISTRATION

1. Water Vessel Defined, Accident Investigations and Loss Claim Reporting

A. A water vessel subject to the provisions of the WVSP is any watercraft (e.g., raft, bateau, skiff, motorboat, etc.) that is owned or controlled by the LDAF and used in the conduct of LDAF-related business.

B. A boating or water vessel accident is defined as a collision, accident or other casualty involving a LDAF water vessel, other water vessel or individual, while in a marine or inland waters environment. A water vessel is considered to be involved in a boating accident whenever the occurrence results in (1) damage by or to the water vessel or its equipment, (2) injury or loss of life to any person, or (3) the disappearance of any person from on board under circumstances that indicate the possibility of death or injury. A boating accident also includes, but not limited to, capsizing, foundering, flooding, fire, explosion and the disappearance of a water vessel other than by theft.

C. Whenever an employee is the operator of a water vessel involved in a water vessel accident, she/he shall give due and proper notice of such to her/his supervisor, and the Agency Administrator who shall provide for the prompt and thorough investigation of such accident. The details of the investigation shall be reported on the BOATING INCIDENT REPORT form (DWF-BIR-010-OP) which can be accessed online at the FARA web site <http://www.laorm.com/forms/lpboaterincident.doc>. In addition to providing the relevant information requested on said report form and complying with the attendant instructions set forth on such LDWF web page, the Agency Administrator shall provide for the performance of all applicable requirements, guidelines and instructions set forth in Section VIII of the General Safety Plan (LPP Chapter One), relative to ACCIDENT INVESTIGATION AND LOSS CLAIM REPORTING.

2. Preventive Maintenance

A. For each water vessel assigned to a LDAF Office, the Agency Administrator shall ensure that all appropriate preventive maintenance is performed and documented, and that any noted deficiency is remedied and likewise documented. In addition thereto, the Agency Administrator shall ensure that a monthly, documented safety and performance inspection is conducted on each water vessel, and any corrective action for a noted deficiency is likewise documented.

B. The Agency Administrator shall provide for a safety and performance checklist that is appropriate for the type of water vessel used by an operator/employee. In addition to checklist items relating to any noted deficiency (e.g., damage, inoperable equipment, etc.) and its disposition (e.g., repair, replacement, etc.), whenever applicable, checklist items shall include fire extinguisher, personal flotation devices, sound signaling device (e.g., air horn), flares, communication device (e.g., radio), lighting, first aid kit, and trailer condition.

3. Records Retention, Review

The Office Safety Records Custodian shall retain (1) each employee's water vessel safety-related documents, completed DA 2066 form, WORs, water vessel training records, ODRs, etc. for no less than three years from the date on which the employee's authorization to operate a water vessel was issued (or re-issued) or otherwise considered by the Agency Administrator, (2) the monthly safety and performance checklists for each water vessel for no less than three years from the date on which the inspection was conducted, (3) preventive maintenance and repair documentation for no less than three years from the date on which the subject maintenance or repair was performed, and (4) water vessel accident reports for no less than three years from the date of the accident. The OSRC shall provide access to all such records for review by the Safety Director and LA ORM staff.